

9847-0006-6X PCT
ENKEL 8086

IN THE UNITED STATES PATENT & TRADEMARK OFFICE



IN RE APPLICATION OF: :
MATS LEIJON ET AL : EXAMINER: ENAD, E.
SERIAL NO.: 09/147,318 :
CPA FILED: NOVEMBER 23, 2001 :
FOR: ROTATING ELECTRICAL MACHINE :
COMPRISING HIGH-VOLTAGE :
STATOR WINDING AND SPRING- :
DEVICE SUPPORTING THE WINDING :
AND METHOD FOR MANUFACTURING :
SUCH MACHINE :

DECLARATION UNDER 37 C.F.R. §1.132

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I Robert L. Hirt hereby declare:

1. I am the ABB Group Patent Manager in the Americas for ABB where my address is ABB Inc., 1021 Main Campus Drive, Raleigh, North Carolina, 27606. I have over thirty years of relevant experience in the electric power business. My responsibilities within ABB are to manage a portion of ABB's North American patent portfolio. In preparing this Declaration, I have read and considered at least the following documents pertaining to the above-identified patent application:

- (1) the above-identified patent application (U.S. Serial No. 09/147,318);
- (2) the Office Action dated October 25, 2000; and
- (3) the Amendment filed April 24, 2001.

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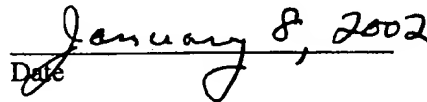
2. Identified herein are several documents that in my view are relevant in demonstrating the recognition by members of the power industry the significance of the technology embodied by the Powerformer™ which is a commercial embodiment of the presently claimed invention. Powerformer is a trade name developed by ABB, and now used by Alstom, which is the exclusive licensee of the Powerformer technology, identifying a rotating electric machine (e.g., a generator) that uses a high-voltage cable for a stator winding, as covered by the claims in the present invention.
3. Attached as Appendix 1 is U.S. Patent No. 6,278,217, issued on August 21, 2001 to Kliman et al., entitled "High Voltage Generator Stator With Radially Inserted Cable Windings and Assembly Method," and assigned on its face to General Electric Company, a competitor of ABB in the area of high-voltage generators and machines. Attached as Appendix 2 is a letter including enclosures from the National Institute of Standards and Technology (NIST) verifying that U.S. Patent No. 6,278,217 was "made under Cooperative Agreement Number 70NANB8H4022 awarded by NIST."
4. Attached as Appendix 3 is PCT Patent No. PCT/EP01/01471 (WO 01/63725) issued on August 30, 2001 to Kulig et al., entitled "High-Voltage Electric Rotary Machine and a Method For Cooling the Conductors of said Machine," and assigned on its face to Voith Siemens Hydro Power Generation GMBH & Co., another competitor of ABB in the area of high-voltage generators and machines.
5. Attached as Appendix 4 is PCT Patent No. PCT/EP01/01472 (WO 01/63727) issued on August 30, 2001 to Peier et al., entitled "Electric Rotary Machine," also assigned on its face to Voith Siemens Hydro Power Generation GMBH & Co.
6. The Powerformer technology, which as reflected in the pending claims, uses a high-voltage cable as a stator winding of a rotating electric machine, is a radical design change from

conventional bar-type winding designs. As indicated by the attached documents, it has forced our competitors, such as General Electric and Siemens, as well as the United States Government (i.e., NIST) to invest in related technologies, or perhaps a competing product, so as to remain competitive in this market. Moreover, I find it particularly troublesome that the claims in the pending application are rejected by the USPTO (a United States government organization under the Department of Commerce) as being "obvious," yet the United States government (in this case the NIST, also under the Department of Commerce) is using United States taxpayer dollars to fund a research program directed to the same technology. This is further evidence that the Powerformer technology is not an obvious variation of conventional generator technology.

7. I further state that all statements made herein to my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such any willful false statements may jeopardize the validity of the application or any registration resulting therefrom.



Robert L. Hirt


Date